

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., September 19, 2006

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the September 12, 2006 regular meeting

AWARDS AND PROCLAMATIONS

- Recognition of International Trade Delegation from China.
- Proclamations:
 - Oxford House Appreciation Day
 - Rehabilitation Awareness Celebration Days.

CONSENT AGENDA

1. Report of the Board of Bids and Contracts Dated September 18, 2006.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

- a) Pawnee, Palisade to Broadway (KDOT) (87N-0237-01/472-84283/706932/205398) Traffic is to be maintained during construction using flagpersons and barricades. (District III) - \$2,092,892.
- b) Water Distribution System to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (448-90015/735325/470996) Does not affect existing traffic. (District V) - \$85,000.
- c) Zimmerly from the west line of Lot 44, Block 1, Woodland Lakes Estates 4th Addition to the east line of Lot 56, Block 1, Woodland Lakes Estates 4th Addition; Zimmerly Court serving Lots 45 through 52, Block 1, Woodland Lakes Estates 4th Addition from the south line of Zimmerly to and including the cul-de-sac; Zimmerly Court serving Lots 31 through 34, Block 4, Woodland Lakes Estates 3rd Addition from the north line of Zimmerly to and including the cul-de-sac; Zimmerly Court serving Lots 33 through 43, Block 1, Woodland Lakes Estates 4th Addition from the south line of Zimmerly to and including the cul-de-sac; Sidewalk on one side of Zimmerly from the west line of Lot 44, Block 1, Woodland Lakes Estates 4th Addition to the east line of Lot 56, Block 1, Woodland Lakes Estates 4th Addition to serve Woodland Lakes Estates 3rd & 4th Additions - north of Harry, west of 127th Street East. (472-83718/765989/490106) Does not affect existing traffic. (District II) - \$342,700.

(Item 4 continued)

- d) Zimmerly from the east line of Lot 43, Block 1, Woodland Lakes Estates 4th Addition to the west line of 127th Street East; Sidewalk on one side of Zimmerly from the east line of Lot 43, Block 1, Woodland Lakes Estates 4th Addition to the west line of 127th Street East to serve Woodland Lakes Estates 3rd & 4th Additions - north of Harry, west of 127th Street East. (472-83719/765978/490093) Does not affect existing traffic. (District II) - \$160,600.
- e) Zimmerly Court serving Lots 1 through 11, Block 2, from the north line of Zimmerly to and including the cul-de-sac to serve The Timberlands Addition - north of Harry, west of 127th Street East. (472-84297/765990/490107) Does not affect existing traffic. (District II) - \$100,000.
- f) Lateral 344 Four Mile Creek Sewer to serve Sierra Hills Addition - north of Pawnee, east of 127th Street East. (468-83584/744191/480879) Does not affect existing traffic. (District II) - \$96,000.
- g) Water Distribution System to serve Sierra Hills Addition - north of Pawnee, east of 127th Street East. (448-90203/735329/470002) Does not affect existing traffic. (District II) - \$70,000.
- h) 11th Street Bridge over the Wichita Drainage Canal - south of 13th Street North, west of Hydraulic. (87N-0187-01/472-84396/715710/246126) Bridge to be closed to traffic during construction. (District I) - \$1,202,000.
- i) 2006 Sanitary Sewer Rehabilitation, Phase C - various locations north of MacArthur, east of West Street. (468-84205/620458/666577) Traffic to be maintained during construction using flagpersons & barricades. (Districts II, III, IV, VI) - \$243,400.
- j) Churchill Cir. (Ph 2) from the south line of Lot 1, Block 2, to the south line of Lot 12, Block 2; Churchill Court, serving Lots 4 through 9, Block 2, from the south line of Churchill Circle to and including the cul-de-sac to serve Reed's Cove 4th Addition - south of 21st Street North, east of 127th Street East. (472-84384-Ph II/765986/490103) Does not affect existing traffic. (District II) - \$60,000.

RECOMMENDED ACTION: Receive and file.

(Item 5a, PULLED PER CHRIS CARRIER)

5. Petition for Public Improvements:

- a) *Pave Emporia Court, south of 25th Street North. (District VI)***

6. Deeds and Easements:

- a) Drainage Dedication dated February 14, 2006 from Caywood, LLC, a Kansas limited liability company over a tract of land lying in Lot 1, Block C, Clifton Cove Addition, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- b) Drainage Easement dated July 14, 2006 from Twenty-First Growth LLC, a Kansas limited liability company over a tract of land lying in Lot 31, Block 1, Hawthorne Second Addition, an Addition to the City of Wichita, Sedgwick County, Kansas and in Lots 1, 2, and 3, Block 1, Hawthorne Third Addition, an Addition to the City of Wichita, Sedgwick County, Kansas (OCA# 607861). No Cost to City
- c) Drainage and Utility Easement dated June 9, 2006 by Bryan & Donna Morrison, co-owners over a tract of land in Lot 19, Block 2, Reed's Cove Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.

(Item 6 continued)

- d) Drainage and Utility Easement dated June 20, 2006 from Jason and Krista Wolff, co-owners over a tract of land lying in Lot 1, Block 2, Reed's Cove Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- e) Water line easement dated May 9, 2006 from Cargill, Inc., over a tract of land lying within a portion of Lot 2, Glaze's Addition to Wichita, Sedgwick County, Kansas, and (OCA # 607861). No Cost to City.
- f) Right of Way Dedication dated May 15, 2006 from Corpar, a Kansas general partnership, over a tract of land lying in the NE 1/4 of Sec.10, T28S, R1E of the 6th P.M., Sedgwick County, Kansas, (OCA# 766109). No Cost to City
- g) Access Dedication dated August 21, 2006 from B. Thomas Mason over a tract of land lying in the northwest quarter of the southwest quarter of Section 4, Township 27 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas (OCA #132019). No Cost to City
- h) Dedication dated August 21, 2006 from B. Thomas Mason over a tract of land lying in the northeast corner of the northwest quarter of the southwest quarter of Section 4, Township 21 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas (OCA #132019). No Cost to City
- i) Access Control Dedication dated August 21, 2006 from B. Thomas Mason over a tract of land lying in the southwest quarter of Section 4, Township 27 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas (OCA #132019). No Cost to City

RECOMMENDED ACTION: Accept documents.

7. Minutes of Advisory Boards/Commissions:

Deferred Compensation Board of Trustees Quarterly Meeting (Revised), May 11, 2006
Deferred Compensation Board of Trustees Special Meeting, May 26, 2006
Police & Fire Retirement Board, June 28, 2006
Wichita Public Library Monthly Report, July 2006
Wichita Employees' Police & Fire Retirement Board, July 6, 2006
Board of Code Standards & Appeals, July 10, 2006
Wichita Airport Advisory Board, July 10, 2006
District II Advisory Board Minutes, July 10, 2006
District VI Advisory Board Minutes, July 19, 2006
Deferred Compensation Board of Trustees Special Meeting, July 27, 2006
District II Advisory Board Minutes, August 7, 2006
Wichita Public Library Meeting, August 15, 2006

RECOMMENDED ACTION: Receive and file.

8. Consideration of Street Closures/Uses.

- a) Koch Industries Company Picnic at Lawrence-Dumont Stadium, September 23, 2006, 6:30 pm to 9:00 pm
 - McLean Avenue, Maple to Douglas. Fireworks display fallout zone.
- b) Midtown Historic Walking Tour, October 14 & 15, 2006, 10:00 a.m. – 5:00 p.m.
 - North Topeka Street, 13th Street North to 10th Street North, not including intersections.
- c) Wichita Marathon, October 22, 2006, 9:00 am to 2:00 pm, throughout southeast Wichita into downtown and Old Town.
 - 31st Street South, McConnell Air Force Base to Oliver, west bound curb side lane, 9:00 am-12: 30 pm.
 - Oliver Street, 31st Street South to George Washington Boulevard, north bound curb side lane, 9:30 am-12: 30 pm.
 - George Washington Boulevard, Oliver to Mt. Vernon, westbound curbside lane, 9:30 am-12: 45 pm.
 - Mt. Vernon, George Washington Boulevard to Linwood Park, west bound curb side lane, 9:45 am-1: 15 pm.
 - Douglas Street, I-135 to Mead Street, west bound curbside lane, 9:45am-2:00 pm.
 - Mead Street, Douglas to Second Street, 9:45 am-2:00 pm.
 - 2nd Street, Mead Street to Moore Street.
- d) Rolling Stones Concert, Sunday, October 1, 2006, Cessna Stadium on the campus of Wichita State University 8:00 a.m. until 12:00 a.m., Monday, October 2, 2006.
 - 21st Street North, Hillside to Oliver not including the intersection at 21st Street North and Hillside.
 - 21st Street North at Oliver Street intersection, ¾ closure forcing all 21st Street traffic west bound, south on Oliver Street and all north bound traffic east on 21st Street.
 - Oliver Street, 21st Street North to 29th Street North.
 - 29th Street North Oliver to Woodlawn.

RECOMMENDED ACTION: Approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator.

9. Proposed Assessment Rolls.

Proposed assessment rolls have been prepared for thirty-three (33) water projects, thirty-three (33) sewer projects and sixteen- (16) storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 9, 2006 at 11:00 a.m.

RECOMMENDED ACTION: Set the hearing on the Proposed Agreement Rolls for 9:30 a.m., Tuesday, October 17, 2006, and direct the City Clerk to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing.

10. Contracts and Agreements for August 2006.

RECOMMENDED ACTION: Receive and file.

11. Change Orders:

- a) Central Corridor Railroad Improvement. (District VI)
- b) Harry Street Improvement, K-42 Highway to Meridian. (District IV)
- c) City Hall landscape and security enhancements. (District VI)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

12. Property Acquisition:

- a) Acquisition of 520 North Oliver for the Central and Oliver Intersection Project. (District II)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

13. Surplus vacant lot located near West Maple and 151st Street. (District V)

RECOMMENDED ACTION: Declare the property as surplus and designate it as available for sale to the general public.

14. Sale of remainder of 520 and 528 North Oliver. (District II)

RECOMMENDED ACTION: Approve the Real Estate Purchase Contract and authorize the necessary signatures.

15. Agreement for final design services for Gypsum Creek Improvement-Pawnee to Woodlawn. (District III)

RECOMMENDED ACTION: Approve Agreements and expenditures; adopt the resolution and authorize the necessary signatures.

16. United States Geological Survey (USGS) Surface Water Agreement, October 1, 2006 through September 30, 2007.

RECOMMENDED ACTION: Approve the Joint Funding Agreement and authorize the necessary signatures.

17. Evaluation of Membrane Filtration for ASR Project.

RECOMMENDED ACTION: Approve the project; approve the expenditures and authorize staff to solicit proposals for engineering services.

18. Second Reading Ordinances: (First read September 12, 2006)

a) Nuisance Abatement Assessments.

1. An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas:
2. An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas.

b) Southwestern Bell Telephone Franchise Amendment.

An Ordinance of the City of Wichita, Kansas, amending Section 3 of Ordinance no. 45-677, a Contract Franchise with Southwestern Bell Telephone L.P. d/b/a SBC Kansas, a telecommunications local exchange service provider.

c) Greenwich Road Improvement, between Central and 13th Street. (District II)

An Ordinance declaring Greenwich Road, between Central and 13th Street North (472-84435) to be a main trafficway Within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

d) Development Agreement for the Northeast Baseball Complex. (District II)

1. An Ordinance of the City of Wichita, Kansas (the "City"), approving and authorizing the execution of a development agreement between the City and Central Plains Youth Sports, Inc., pursuant to Charter Ordinance No. 177.
2. A Charter Ordinance amending Section 1 of Charter Ordinance No. 177 of the City of Wichita, Kansas, pertaining to exemptions from bid requirements, and repealing the original of said Section.

e) Public Hearing and Tax Exemption Request, Custom Cupboards, Inc. (District IV)

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Custom Cupboards, Inc. so exempted.

f) Public Hearing and Tax Exemption Request, Harlow Aerostructures, LLC. (District IV)

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Harlow Aerostructures, LLC, so exempted.

g) Authorization of Change of Tenant Entity, Dean & Deluca, Inc. (District I)

An Ordinance of the City of Wichita, Kansas, prescribing the form and authorizing the execution of an agreement for amendment and assignment of lease and consent to assignment of lease in connection with the project financed with the City's taxable Industrial Revenue Bonds, Series IX-A, 2000 (Dean & Deluca, Inc.), and the City's subordinated taxable Industrial Revenue Bonds, Series IX-B, 2000 (Dean & Deluca, Inc.).

(Item 18 continued)

h) Allow Wholesale Customers a Conditional Option.

An Ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, as amended by Ordinance No. 47-111, pertaining to schedule of rates and charges for water service, and repealing the original of said Section.

i) Amendment to Franchise Ordinance No. 42-264 with Cox Communication Kansas, LLC.

An Ordinance amending Section 19 of Ordinance No. 42-264 of the City of Wichita, Kansas, pertaining to a franchise granted to Multimedia Cablevision, Inc. and assigned to Cox Communications Kansas, LLC, to construct, operate and maintain a broadband telecommunications network within the City of Wichita; and repealing the original of said Section.

j) Pawnee Improvement between 119th Street West and Maize. (District IV)

An Ordinance amending Ordinance No. 46-880 of the City of Wichita, Kansas declaring Pawnee, between 119th Street West and Maize (472-84357) to be a main trafficway Within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

k) 11th Street Bridge at the Drainage Canal. (District I)

An Ordinance amending Ordinance No. 47-009 of the City of Wichita, Kansas declaring the 11th Street north Bridge at the Wichita Drainage Canal (472-84396) to be a main trafficway Within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

l) DR2004-10-Proposed Amendments to the Wichita Sedgwick-County Subdivision Regulations, Utility Easements.

An Ordinance amending the "Wichita-Sedgwick County Subdivision Regulation, January 28, 1999 Edition," as adopted by reference in City of Wichita Code Sec. 28.05.010. (DR2004-10)

m) ZON2006-00019 - east of West Street and on the south side of Maple Street. (District IV)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. (ZON2006-00019)

n) ZON2006-00017- generally located north of Lewis and east of Greenwich Road. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. (ZON2006-00017)

(Item 18 continued)

- o) Home Rule Bonding Ordinance for preparing the Hilltop Neighborhood Master Plan. (District III)

An Ordinance of the City of Wichita, Kansas authorizing the issuance of its general obligation bonds to pay costs of preparation of a Hilltop Neighborhood Master Plan; and authorizing and providing for the issuance of temporary improvement notes of the City from time to time as funds are needed for such purpose.

RECOMMENDED ACTION: Adopt Ordinances.

NEW BUSINESS

19. Cheney Watershed Protection Project.

On August 24, 1993, the City Council approved the concept of the City assuming part of the cost-shared necessary to allow landowners to implement "best management practices" in the watershed about the Reservoir to improve water quality and extend the life of the reservoir.

RECOMMENDED ACTION: The City continue participation in the Cheney Watershed Protection Program.

20. Intelligent Transportation System Traffic Signal Project.

In December 1998, HNTB Corporation completed an early deployment study for the Wichita metropolitan area. The study recommended that the City of Wichita evaluate its current traffic signal systems to determine the need for new signal technology and expansion to outlying areas.

RECOMMENDED ACTION: Approve the project and agreement; adopt the resolution and authorize the signing of State/Federal agreements as required.

21. Ridge and Maple Intersection Improvement. (District V)

On August 16, 2005, the City Council approved a project to improve the intersection of Ridge and Maple. An attempt to award a construction contract within the approved budget was not successful. An amending Ordinance has been prepared to increase the project budget.

RECOMMENDED ACTION: Approve the revised budget; place the amending ordinance on first reading and authorize the signing of State/Federal agreements as required.

22. Harry and Mead Stormwater Improvements to serve Union Pacific Railroad. (Districts I and III)

The City has agreed to allow Union Pacific Railroad (UPRR) to raise the Harry Street crossing between one and two feet as part of our agreement with the Pawnee project. The change in grade will require stormwater sewer to be extended from two structures on both sides of the track.

RECOMMENDED ACTION: Adopt the resolution; approve the agreement and authorize the necessary signatures.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

23. *SUB2005-149-Plat of Cheryl's Hollow Second Addition, located west of 135th Street West and on the north side of 13th Street North. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary Signatures and adopt the resolutions.

24. *SUB2006-34-Plat of Clifton Heights Commercial Addition, located north of 55th Street South and east of Hillside. (District III)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the resolution and approve first reading of the ordinance.

25. *SUB2006-46-Plat of Waterwalk Phase Two Addition, located north of Kellogg and west of Broadway. (District I)

RECOMMENDED ACTION: Approve the plat; authorize the necessary signatures and approve first reading of the ordinance.

26. *SUB2006-62-Plat of Spangles Addition, located east of Rock Road and north of Harry Street. (District II)

RECOMMENDED ACTION: Approve the plat and authorize the necessary signatures.

27. *DED 2006-24-Contingent Dedication of street right-of-way and DED 2006-25-Dedication of access control, located east of Hydraulic and south of Central. (District I)

RECOMMENDED ACTION: Accept the Dedications.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items

28. Host International-S.A. No. 4-Restaurant and Concession Operations, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve Supplemental Agreement No. 4 and authorize the necessary signatures.

29. *Federal Aviation Administration-Lease No. DTFACE-06-L-0054, Automated Flight Service Station, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the lease agreement and authorize the necessary signatures.

30. *Sublease Agreements between Wichita Airport Facilities, Inc. and Raytheon Aircraft Services, Inc., Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the sublease agreement for Hangar 28 and the sublease agreement for the paint facility and authorize the necessary signatures.

31. *Taxiway A and A-1, Change Order No. 2, Mid-Continent Airport.

RECOMMENDED ACTION: Approve the change order; approve the budget adjustment and authorize the necessary signatures.

32. *Passenger Facility Charge (PFC) Application.

RECOMMENDED ACTION: Approve the PFC application and authorize the necessary signatures.

CITY COUNCIL

33. Approval of travel expenses for Mayor to attend Wichita's Recognition by the National Disability Institute at the National Press Club in Washington, DC, on October 24, 2006.

RECOMMENDED ACTION: Approve the expenditures.

34. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

Workshop to follow